

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NOVARTIS PHARMACEUTICALS
CORPORATION,

Plaintiff,

V.

C.A. No. 19-2021-LPS

NATCO PHARMA LIMITED, NATCO
PHARMA, INC.,

Defendants.

**STIPULATION AND [PROPOSED] ORDER DISMISSING THE NATCO
DEFENDANTS FROM THE ABOVE-CAPTIONED ACTION**

WHEREAS Plaintiff Novartis Pharmaceuticals Corporation (“Novartis”) sued Defendants Natco Pharma Limited and Natco Pharma, Inc. (collectively, “Natco”) on October 24, 2019 in the above-captioned action (“Action”) in connection with Natco’s submission to the United States Food and Drug Administration (“FDA”) of Abbreviated New Drug Application (“ANDA”) No. 213689 seeking FDA approval to market generic versions of Novartis’s Entresto® sacubitril/valsartan tablets, 24 mg/26 mg, 49 mg/51 mg, and 97 mg/103 mg strengths;

WHEREAS Natco has withdrawn its ANDA No. 213689 in its entirety from the FDA;

NOW THEREFORE Novartis and Natco, by and through their respective undersigned counsel in the Action, and subject to the approval of the Court, stipulate and agree as follows:

1. Natco affirms that ANDA No. 213689 has been withdrawn in its entirety from the FDA and that the FDA has accepted that withdrawal.
2. The parties agree that the withdrawal by Natco of ANDA No. 213689 from the FDA extinguishes subject matter jurisdiction in the Action between Novartis and Natco in connection with ANDA No. 213689.

3. Novartis hereby dismisses without prejudice Natco from the Action pursuant to Fed. R. Civ. P. 41(a)(2).

4. Natco currently has no intention of resubmitting ANDA No. 213689 to the FDA.

5. Nothing herein shall be construed to prevent Novartis from seeking or obtaining relief in connection with any later filed ANDA or 505(b)(2) application pursuant to 21 U.S.C. § 355 *et seq.*, 35 U.S.C. § 271 *et seq.*, or any other applicable statute or authority.

6. The parties agree to bear their own attorney fees and costs associated with this action.

/s/ Daniel M. Silver

Daniel M. Silver (#4758)
Alexandra M. Joyce (#6423)
MCCARTER & ENGLISH, LLP
Renaissance Centre
405 N. King Street, 8th Floor
Wilmington, Delaware 19801
(302) 984-6300
dsilver@mccarter.com
ajoyce@mccarter.com

*Attorneys for Plaintiff Novartis
Pharmaceuticals Corporation*

/s/ Kelly E. Farnan

Kelly E. Farnan (#4395)
RICHARDS LAYTON & FINGER, P.A.
One Rodney Square
920 N. King Street
Wilmington, DE 19801
(302) 651-7700
farnan@rlf.com

*Attorneys for Defendants Natco Pharma
Limited and Natco Pharma, Inc.*

SO ORDERED this _____ day of _____, 2020.

UNITED STATES DISTRICT JUDGE